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NOTICE OF ALLOWANCE AND FEE(S) DUE

7055 7590 12/09/2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER	
HOLLIDAY, JAIME MICHELLE	
ART UNIT	PAPER NUMBER

2617
DATE MAILED: 12/09/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,464	04/15/2004	Masahiro Hora	P25084	6197

TITLE OF INVENTION: SYSTEM FOR EXCHANGING MAIL AMONG MEMBERS BELONGING TO GROUP

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/09/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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(Depositor's name)
(Signature)
(Date)

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EXAMINER	ART UNIT	CLASS-SUBCLASS
HOLLIDAY, JAIME MICHELE	2617	455-519000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 193 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 193 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/824,464

Examiner

JAIME M. HOLLIDAY

Applicant(s)

HORA ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed August 13, 2009.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Response to Arguments

1. Applicant's arguments, see "REMARKS", filed August 13, 2009, with respect to **claims 1-30** have been fully considered and are persuasive. The U.S.C. 103(a) rejection of claims 1-30 has been withdrawn.

Allowable Subject Matter

2. **Claims 1-30** are allowed, and are renumbered 1-7, 9, 11-20, 22, 24-30, 8, 10, 21 and 23, respectively.

3. The following is an examiner's statement of reasons for allowance:

Consider **claims 1, 8, 10, 13, 14, 17, 19, 20, 23 and 24**, the most relevant prior art of record, Waesterlid (WO 01/65807 A2) in view of Eiden et al. (US 2002/0168992 A1), and in further view of Kawaguchi et al. (US 2002/0037736 A1), and consider **claims 11, 12, 15, 16, 21, 22, 25 and 26**, the most relevant prior art of record, Waesterlid (WO 01/65807 A2) in view of Kawaguchi et al. (US 2002/0037736 A1), fails to specifically show, disclose or suggest a group ID that includes a user identification information of said terminal device of a member who forms the group and including a time when the group is formed, and is a unique identifier.

Waesterlid clearly shows and discloses a plurality of terminal devices connected to one another via a communications network, each terminal device having a member information storage that stores member information of members who belong to a group

that exchange mail via said communications network, said plurality of the terminal devices comprising a specific member terminal, an existing member terminal, and a newly joining member terminal (connectionless status reporting method that allows members of an affinity group to send status information to and receive status information from other members of the affinity group, which is well-suited for mobile communication networks, wherein each member of the affinity group is provided with a communication device. Each communication device includes a memory for storing memory status information [pg. 2 lines 15-29]); participation mail receiver that receives a participation mail, including member information of a member who newly joins the group, from said newly joining member terminal via said communications network (user creating the affinity group [specific member terminal] becomes the owner of the group and is referred to as the group administrator, who also sends a membership request message inviting one or more other users to join the affinity group. Recipients of the membership request can reply to the invitation by sending a membership reply message either accepting or declining the invitation to join the affinity group [pg. 11 lines 17-22]); new member information mail transmitter that transmits a new member mail, including the member information of the newly joining member, to said existing member terminal according to information stored in said member information storage via said communications network (after joining the affinity group, each existing member receives a group update message from the group administrator containing names of the other members to the affinity group [pg. 11 lines 23-25]); existing member terminal including a new member information mail receiver that receives the new member mail (each

existing member receives a group update message that contains a list of all members of the group, including the newly added member [pg. 11 lines 23-25, pg. 14 lines 3-5]); newly joining member terminal including a new participation mail transmitter that transmits the new member mail, including self-member information of the newly joining member, to said specific member terminal via said communications network (recipients of the membership request can reply to the invitation by sending a membership reply message either accepting or declining the invitation to join the affinity group. Those accepting the invitation are added to the group along with the group administrator [pg. 11 lines 20-23]); existing member information mail receiver that receives the existing member mail from a plurality of existing member terminals (new members also receive a group update message that contains information concerning the existing members and their current status; when the status of a member changes, the peer sends a Status Update to every other peer in the affinity group [fig. 5, pg. 11 lines 1-14, 26-28]).

Eiden et al. clearly show and disclose a plurality of terminal devices connected to one another via a communications network, the plurality of the terminal devices comprising a specific member terminal, an existing member terminal, and a newly joining member terminal (a method and apparatus for joining a communication group between users of wireless communication devices, comprising at least two users **(302, 305)** of communication devices who are members of said group and capable of communicating with each other through communication devices, and at least one communication device user **(301)** not belonging to said group, who is capable of communicating with at least one member **(305)** of the communication group through a

communication device [abstract, fig. 3a]); specific member terminal includes a first member information adder that extracts the member information included in the participation mail received by said participation mail receiver and stores the extracted member information in the member information storage (potential new member, i.e. applicant [newly joining member] applies for membership from an existing member of said group. The apply message comprises a request for membership in said group. The apply message also comprises at least one of the following identifiers: an identifier associated with the applicant, an identifier associated with the applicant's communication device, or both the above-mentioned identifiers [paragraphs 23-25]); said existing member terminal including a second member information adder that extracts the member information included in the received new member mail and stores the extracted member information in a member list in the member information storage (when there is a membership request, the group member forms a decision on whether the applicant is suitable to be a member of the group on the basis of the information, and if the member considers the applicant suitable to be a member of the group, the member votes for the membership of the applicant and transmits his reply as feedback information to the applicant and stores the received information of the applicant in his communication device, for instance in a database register, such as a group information matrix [paragraph 27]); existing member terminal includes a self-information mail transmitter that transmits an existing member mail, including self-member information, to said newly joining member terminal via said communications network (when Member B receives information that E has become a member and the request for information

related to the group, information on E's membership is updated in B's communication device. B sends the information to E (reference 317), which information can comprise for instance a welcome note to the new member, information on internal matters of the group, members or how the group works [fig. 3c, paragraph 35]).

Kawaguchi et al. clearly show and disclose member information generator that generates a member list stored in the member information storage by extracting the self-member information from the received existing member mail from the plurality of existing member terminals, other than the specific member terminal (upon receiving the group communication message **108**, the terminal **1D** registers a new administration information entry including the group identifier and the group kind extracted from the received message in the provisional group list **250B**. The radio terminal **1B** which becomes the transmission source of the addition notice message **110** and other radio terminals (**1A**, **1C**) of the CUG (closed communication) which have received the addition notice message **110** respectively generate the reception confirmation message **111** and transmits the message to the new terminal **1D** in a unicast manner. The reception confirmation message **111** includes a message kind code indicative of the reception confirmation, a destination terminal address (address of the radio terminal ID), a group identifier, a transmission terminal address and user information of transmission terminal. As the user information, the user name is set, for example [paragraphs 6, 83-85 and 88]).

Waesterlid, Eiden et al. and Kawaguchi et al., however, lack the claimed feature of group ID including user identification information of said terminal device of a member

who forms the group and including a time when the group is formed, and wherein the group ID is a unique identifier for each group, therefore this limitation, in conjunction with the other limitations recited in amended claims 1 and all independent claims, is novel and unobvious in view of the combination of relevant prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAIME M. HOLLIDAY whose telephone number is (571)272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jaime M Holliday/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617